

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

THURSDAY, THE 2ND AUGUST 2007 / 11TH SRAVANA 1929

CRP.No. 720 of 2007()

AGAINST THE ORDER IN E.P.32/2003 IN O.S.150/97 OF THE
IIND ADDL. SUB COURT, THRISSUR

REVN. PETITIONER: JUDGMENT DEBTOR/2ND DEFENDANT

JOHNSON FRANCIS,
S/O. AUTOKARAN FRANCIS,
PARAVATTANI DESOM,
OLLUKKARA VILAGE,
THRISSUR TALUK.

BY ADV. SRI.C.E.UNNIKRISHNAN

RESPONDENTS: DECREE HOLDER /PLAINTIFF

CATHOLIC CYRIAN BANK LTD.,
MAIN BRANCH,THRISSUR,
REPRESENTED BY ITS MANAGER.

THIS CIVIL REVISION PETITION HAVING COME UP FOR ADMISSION
ON 02/08/2007, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

M.N.KRISNAN, J.

C.R.P.No. 720/2007

Dated this 2nd day of August, 2007

O R D E R

This writ petition is preferred against the direction of the Subordinate Judges Court, Thrissur, to sell the property for realisation of the Decree Debtor in O.S.150/1997. It is submitted that the property having an extent of 8.9 cents is to be put in auction on 3.8.2007 for realisation of the decree debtor which consists more than Nine Lakhs. The contention of the revision petitioner is that the entire property need not be sold and the property will fetch Rs.15 Lakhs. There is a residential house in the property. The objection of judgment debtor had been shown in the draft proclamation that the property will fetch Rupees 15 Lakhs, according to his estimate. It is also submitted that there may be practical difficulty in avoiding house from sale.

2. But the learned counsel would contend that if some breathing time is given, his client is prepared to pay the amount so that his residence can be saved and the

Bank can be given the amount due under the decree. There is some force in that contention. Therefore, I am inclined to grant time as follows.

- (1). The sale that stands posted on 3.8.2007 will stand deferred.
- (2). The judgment debtor is directed to pay 50% of the decree amount within a period of 30 days from today to the decree holder, Bank.
- (3). The judgment debtor thereafter shall pay the balance amount in four monthly equal instalments commencing from 1st October, 2007.
- (4). If any of these conditions are violated, the decree holder will be at liberty to proceed with the sale of the property for the realisation of the decree amount.

The revision petition is disposed of accordingly.

**M.N.KRISHNAN,
JUDGE**

mrCS